



THE ENERGY ACT, 2006

APPLICATION FORM FOR A PETROLEUM BUSINESS LICENCE (EXCEPT LPG)

(This application form is **FREE** and ERC does **NOT** charge any Licence fees)

(A separate application form must be completed in respect of each separate business establishment)

1. Name of business/applicant _____

2. Details of applicant:

a) Income Tax Personal Identification Number(s) _____

b) Postal address _____

c) Email Address : _____

d) Location of business premises:

Plot No _____ Building Name _____

Street/Market _____

Town/District _____

3. Give full details of proprietors or partners owning business or directors/shareholders of the company, as the case may be.

<i>Name</i>	<i>Nationality</i>	<i>(Where applicable No. of shares held)</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Any additional information should be submitted on a separate sheet of paper.)

4. Give full details of directors of the company.

<i>Name</i>	<i>Nationality</i>	<i>Passport/ ID No.</i>
_____	_____	_____
_____	_____	_____

(any additional information should be submitted on a separate sheet of paper.)

5. Full description of the business (es) for which the licence is required

6. (a) Indicate the number and date of issue of any licence previously held under the Act.

(b) Indicate the period for which the licence is being applied (maximum is one year from the date of issue).

7. State if you are or any of your partners/directors is an undischarged bankrupt. (If so indicate the names.)

8. (a) Has any previous application for a licence been rejected under the Act? (If so, give details)

(b) Has any previous licence been cancelled under the Act?

9. (a) A criteria to be met for new application and for renewal of a licence is attached at the back of the application form.

(b) **Certified copies** (by advocate / commissioner of oaths) of documents as per criteria specified above should be submitted together with the licence application.

10. CONDITIONS FOR IMPORTING AND MARKETING PETROLEUM PRODUCTS IN KENYA**a) THE ENERGY ACT 2006 AND ANY OTHER SUBSIDIARY REGULATION****b) REFINED PRODUCTS OFF TAKE AGREEMENT**

Companies importing petroleum products for the Kenyan market are required to purchase such quantities of refined petroleum products from the Kenya Petroleum Refineries Ltd (KPRL) as the minister may prescribe for such an importer having regard to market share and also undertake their imports through the Open Tender System (OTS). Refer to Legal Notice No.24, Kenya Gazette Supplement No. 26 of 10th April 2012.

c) MINIMUM OPERATIONAL STOCKS

Companies importing petroleum products for marketing in Kenya are required to maintain minimum operational stocks as per Legal Notice Number 44 dated 10th April 2008

d) SUBMISSION OF SALES DATA

Companies marketing petroleum products in Kenya are required to submit monthly sales data. Refer to Legal Notice No. 31 of 18th March, 2002 and any revision/amendment thereof

DECLARATION

- i. I/We have read and understood the relevant sections of the Energy Act, No. 12 of 2006 and the related petroleum rules and regulations, and agree to abide with them.
- ii. I/We hereby certify that the information given above is to my/our knowledge true and accurate.
- iii. I/We understand that it is an offence to give false information in an application for a licence.
- iv. I/We understand that it is a serious offence to divert into the Kenyan market petroleum products destined for export.
- v. I/We understand that any person or company found diverting export petroleum products to the Kenyan market, either directly or indirectly will have their licence cancelled.

- vi. I/We understand to conduct an honest petroleum business and shall ensure that my/our Company will not promote the diversion of export petroleum products into the Kenyan market either directly or indirectly.
- vii. I hereby confirm that our Company/Business shall abide by the above terms and conditions with regard to importation and marketing of petroleum products in Kenya. I also understand that the trade licence issued for importation of petroleum for the Kenyan market is subject to these conditions.

Name of Company: _____

Name and ID of Person signing _____
The Declaration:

Designation and telephone No.: _____

Signature & Stamp: _____

Date: _____

Email address: _____

FOR OFFICIAL USE ONLY

1. Date application received: _____

2. Date of meeting of Petroleum Licencing Committee: _____

3. Decision of Petroleum Licencing Committee. _____

Members present:	Signature
1. _____	_____
2. _____	_____

3. _____

4. _____

4. If application is deferred or rejected, date of letter advising applicant accordingly

5. Date of review of application _____

Decision of Committee _____

Members present:

Signature

1. _____

2. _____

3. _____

4. _____

6. License details

No. _____

Date issued _____

Expiry date _____



THE ENERGY ACT, 2006

QUESTIONNAIRE TO BE FILLED BY NEW APPLICANTS FOR A PETROLEUM BUSINESS LICENCE

- 1. Name of applicant: _____
- 3. Nature of business (Sole Trader, Partnership, Private Company or Public Company): _____
- 4. Certificate of Incorporation/Registration Number and date: _____

Country of Incorporation: _____

Physical address:

Postal address: _____

Telephone/ fax: _____

Email address:

- 5. Give particulars of proprietors or partners or directors/shareholders of Company as may be the case.

<u>Name</u>	<u>Nationality</u>	<u>Shares (if applicable)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 6. Give details on equity capital including other sources of financing _____

- 7. Indicate bank references _____

8. Type of business required to be licensed (tick as appropriate):

- (i) Refining.
- (ii) Importation.
- (iii) Exportation.
- (iv) Wholesale.
- (v) Storage.
- (vi) Transportation.
- (vii) Specify any other _____

9. Indicate if you

- (a) Own storage facilities (If so, give details including location and capacity) _____
- (b) Have hospitality/rental arrangement (If so, give details including copies of any agreements) _____

10. Do you intend to market your product locally? _____

If Yes,

- (a) Give the number and locations of Retails Outlets

- (b) Give the number and locations of Distribution Depots including their capacities _____
- (c) If neither (a) nor (b) is applicable, explain _____

- (d) Give details on how you propose to maintain the approved quality of your product _____

11. (a) Give details of measures you have taken/you propose to take to ensure that the product you handle does not endanger life or pollute the environment

(b) Any additional information that the applicant wishes to give

(If space provided above is not adequate use plain paper where applicable and attach to this questionnaire)

Name of Company: _____

Name and ID of
Person signing
The Declaration: _____

Designation and telephone No.: _____

Signature & Stamp: _____

Date: _____

LICENCE EVALUATION CRITERIA FOR NEW PETROLEUM BUSINESSES (EXCEPT LPG)

Criteria	REF	IMP	EXP	STO	WH	PL
Application form	Yes	Yes	Yes	Yes	Yes	Yes
Detailed Questionnaire	Yes	Yes	Yes	Yes	Yes	Yes
Certified copy of Memo and Articles of association	Yes	Yes	Yes	Yes	Yes	Yes
Certified copy of Certificate of Incorporation/Business registration	Yes	Yes	Yes	Yes	Yes	Yes
Certified copy of PIN certificate	Yes	Yes	Yes	Yes	Yes	Yes
Certified copy of VAT registration certificate	Yes	Yes	Yes	Yes	Yes	Yes
Copy of a valid tax compliance certificate	Yes	Yes	yes	yes	yes	yes
Certified copies of Identification documents for directors (ID/passport page 1 and 5)	Yes	Yes	yes	yes	yes	yes
Work permits for non-citizens / Entry permit class H	Yes	Yes	yes	yes	yes	yes
Certified copy of Lease agreement/Tittle Deed	Yes	Yes	Yes	Yes	Yes	Yes
Oil Spill Mutual Aid Group membership	Yes	Yes				Yes
Confirmation from KPRL of a signed refined products off take Agreement		Yes				
Confirmation from MOE of signed OTS agreement for refined products		Yes				
Environmental Impact Assessment Licence (if new)	Yes			Yes		Yes
Copy of annual Environmental Audit acknowledgement letter from NEMA (Existing)	Yes			Yes		Yes
Confirmation from KEBS that the facility complies with the Kenya Standard	Yes			Yes		
Certified copy of certificate of compliance with Physical Planning Act, 1996	Yes			Yes		Yes
Certified copy of clearance certificate from chief fire officer/Fire Certificate	Yes			Yes		Yes
Detailed approved drawing by local government drawn to scale	Yes			Yes		Yes
Certified copy of certificate of registration of workplace by DOSHS	Yes			Yes		Yes

LICENCE EVALUATION CRITERIA FOR RENEWAL OF PETROLEUM BUSINESSES (EXCEPT LPG)

Criteria	REF	IMP	EXP	STO	WH	PL
Application form	Yes	Yes	Yes	Yes	Yes	Yes
Copy of the previous petroleum licence	Yes	Yes	Yes	Yes	Yes	Yes
Copy of a valid tax compliance certificate	Yes	Yes	Yes	Yes	Yes	Yes
Letter from KPRL confirming compliance with the refined products off take agreement		Yes				
At least 4 copies of purchases invoices as proof of previous licence utilization			Yes		Yes	
At least 4 copies of sales invoices as proof of previous licence utilization			Yes		Yes	
Copy of annual Environmental Audit acknowledgement letter from NEMA	Yes			Yes		Yes
Certified copy of clearance certificate from chief fire officer/Fire Certificate	Yes			Yes		Yes
Certified copy of certificate of registration of workplace by DOSHS	Yes			Yes		Yes

KEY

REF – Refining IMP – Import EXP – Export STO – Storage WH - Wholesale PL – Pipeline Transport